

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	Case No.: 1:06 CR 125-21
)	
Plaintiff)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	
)	
SIMON VALDEZ-AMARO,)	<u>ORDER ACCEPTING PLEA</u>
)	<u>AGREEMENT, JUDGMENT</u>
	<u>AND</u>	
)	<u>REFERRAL TO U. S. PROBATION</u>
Defendant)	<u>OFFICE</u>

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Nancy A. Vecchiarelli, regarding the change of plea hearing of Simon Valdez-Amaro, which was referred to the Magistrate Judge with the consent of the parties.

On May 9, 2006, the government filed a two-count indictment against Defendant Simon Valdez-Amaro, for Conspiracy to Smuggle Aliens into and within the United States in violation of Title 8, United States Code, Section 1324(a)(1)(A)(v)(1); Conspiracy to Commit Mail Fraud, Wire Fraud, Document Fraud and Structuring Financial Transactions in violation of Title 18, United States Code, Section 371. On April 17, 2006, a hearing was held in which Defendant Valdez-Amaro entered a plea of not guilty before Magistrate Judge Nancy A. Vecchiarelli to

counts 1 and 3, of the original indictment. On November 14, 2006, Magistrate Judge Nancy A. Vecchiarelli received Defendant Valdez-Amaro's plea of guilty to count 3 of the superseding indictment and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered. Magistrate Judge Vecchiarelli filed her R&R on November 14, 2006.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Defendant Valdez-Amaro is found to be competent to enter a plea and to understand his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Defendant Valdez-Amaro is adjudged guilty of Count 3 of the superseding indictment, in violation of Title18 Section 371.

IT IS SO ORDERED.

/s/SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE